



**STATEMENT OF  
LARRY LOHMANN, ASSISTANT DIRECTOR  
NATIONAL LEGISLATIVE DIVISION  
THE AMERICAN LEGION**

**BEFORE THE**

**SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**"PENDING LEGISLATION"**

**MARCH 20, 2018**

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Chairman Bost, Ranking Member Esty, and distinguished members of the committee; On behalf of our National Commander, Denise H. Rohan, and the over 2 million members of The American Legion, we thank you for this opportunity to testify regarding The American Legion's positions on pending legislation before this committee. Established in 1919, and being the largest veteran service organization in the United States with a myriad of programs supporting veterans, we appreciate the committee focusing on these critical issues that will affect veterans and their families.

**H.R. 888**

*To amend title 38, United States Code, to improve dependency and indemnity compensation for survivors of certain totally disabled veterans.*

This bill will improve and simplify the application process for surviving spouses and children of deceased veterans by requiring the Department of Veterans Affairs (VA) to treat notification of the veteran's death as a claim for Disability and Indemnity Compensation (DIC).

The American Legion has long supported any action that makes filing claims easier for veterans and their dependents. In 2015, The American Legion opposed VA standardization of forms eliminating the ability for informal claims. Since that time, The American Legion has supported reinstating informal claims and adopted resolutions to reach that end as well as generally ease administrative burdens on veterans and their families. This bill eases the burden currently existing on surviving spouses and children of deceased veterans.

Under current law, surviving spouses and children claimants must file a formal claim form to start the claims process for DIC. If the claim is filed within one year of the veteran's death and granted, the VA will then pay retroactive benefits back to the date of the veteran's death. Otherwise, claims granted that were filed after one year from the date of death are only paid back to the date of claim. Regrettably, there are too many cases where grieving spouses and/or children promptly notified VA of the death of the veteran, but were not informed to file for DIC benefits within one year of the death. Consequently, many survivors have lost years of retroactive benefits because they did not know to file a claim for DIC.

Through Resolution No. 377, The American Legion supports legislation to enhance the quality of life for veterans, dependents, and their survivors.<sup>1</sup> Because the reporting date of a veteran's death is data that can be easily tracked by VA for claim establishment and adjudication purposes this bill is a common sense "fail-safe" solution to help grieving survivors during their greatest time of need, and ensures retroactive DIC benefits are not lost they may be otherwise entitled to.

**The American Legion supports H.R. 888.**

**H.R. 4335: Servicemember Family Burial Act**

*To amend title 38, United States Code, to provide for headstones and markers for, and interment in national cemeteries of, deceased spouses and dependent children of members of the Armed Forces serving on active duty, and for other purposes.*

The American Legion through its National Cemetery Committee has formulated and recommended policies, plans, and programs related to the VA national cemeteries, and the interment of veterans, military members, and their dependents. The American Legion believes that all veterans, active duty members, and their families should be honored with final resting places with honor and lasting tributes for their service to our nation. We believe that all veterans and their eligible family members have earned burial benefits including a gravesite in any national cemetery with available space, or a VA-funded state or tribal cemetery including; the opening and closing of the grave; grave liner; government headstone or marker; and perpetual care of the grave at no cost to the family.

Currently, the National Cemetery Administration (NCA) already provides headstones and markers for, and interment in national cemeteries, to eligible family members of active duty personnel at the time of need, but it is not codified in statute. NCA is able to provide the benefit through a waiver process when an application is received. HR 4335 would amend Section 2306(b)(2) of title 38 to include members of the Armed Forces on active duty. With the passage of this bill, the application process for active duty members will be streamlined with the elimination of the waiver request, which will allow the family additional time to make proper arrangements during a difficult time. Similarly, in adopting this law this would make the authority NCA is currently relying on obsolete.

Through Resolution No. 377, The American Legion supports legislation to enhance the quality of life for veterans, dependents, and their survivors. Codifying this to make this benefit permanent for active duty members of the Armed Forces is common sense and the right thing to do for their service to our country.

**The American Legion supports H.R. 4335.**

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<sup>1</sup> American Legion Resolution No. 377: [Support for Veteran Quality of Life](#)

## **H.R. 4910: Veterans Cemetery Benefit Correction Act**

*To amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.*

The American Legion's National Cemetery Committee formulates and recommends to the National Executive Committee, through the Veterans Affairs & Rehabilitation Commission, policies, plans and programs as they relate to Department of Veterans Affairs' national cemeteries, and the interment of veterans, military and their dependents. This includes Arlington National Cemetery administered by the Department of the Army.

The National Park Service (NPS) currently controls 14 national cemeteries, although only two are still active, i.e., Andersonville National Cemetery in Georgia and Andrew Johnson National Cemetery in Tennessee. Veterans who wish to be buried at these two cemeteries must pay the cost of their own outer burial receptacle (OBR). Veterans buried in national or state cemeteries controlled by the VA's National Cemetery Administration (NCA) are provided an OBR at no cost. This gap in benefits creates an undue burden of expense.

The American Legion supports this bill because it aims to ensure that veterans receive the same level of benefits and is consistent with American Legion Resolution No. 146, which urges Congress to review current legislation and public laws to ensure that veterans' benefits are provided equitably and consistently for all veterans.<sup>2</sup>

**The American Legion supports H.R. 4910.**

## **H.R. 4958: Veterans' Compensation Cost-of-Living Adjustment Act of 2018**

*To increase, effective as of December 1, 2018, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.*

This bill will provide a Cost of Living Allowance (COLA) effective December 1, 2018. Disability compensation and pension benefits awarded by the VA are designed to compensate veterans for medical conditions due to service or those who earn below a designated income threshold. H.R. 4958 appropriately recognizes annual increases to costs of living, and increases benefits commensurate with those cost increases.

For nearly 100 years, The American Legion has advocated on behalf of our nation's veterans, to include the awarding of disability benefits associated with chronic medical conditions manifest related to selfless service to this nation. Annually, veterans and their family members are subjects in the debate regarding the annual cost of living adjustment for these disability benefits. For these veterans and their family members, COLA is not simply an acronym or a minor adjustment in benefits; instead, it is a tangible benefit that meets the needs of the increasing costs of living in a nation they defended.

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<sup>2</sup> Resolution No. 146: [Veterans Receive Same Level of Benefits](#)

The American Legion is pleased to support this bill, in part because it does not include two mechanisms we are resolved to oppose, Consumer Price Indexing and “round down” provisions. The American Legion opposes using any Consumer Price Index that would reduce the annual cost-of-living adjustment for military retirees, veterans receiving Social Security benefits or VA beneficiaries.<sup>3</sup> Similarly, The American Legion also appreciates this bill does not include “round-down” provisions, where veterans’ benefits would be rounded-down to the next whole dollar to save money. Rounding down is a slippery slope that dilutes the value of future benefits. Veterans should never have their benefits “round down” to provide legislative fiscal ease to help offset the cost of creating or expanding additional benefits elsewhere under Title 38.

The American Legion supports legislation to provide a periodic cost-of-living adjustment increase and to increase the monthly rates of disability compensation.<sup>4</sup>

**The American Legion supports H.R. 4958.**

### **CONCLUSION**

As always, The American Legion thanks this subcommittee for the opportunity to elucidate the position of the 2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Larry Lohmann, Assistant Director of The American Legion’s Legislative Division at (202) 861-2700 or llohmann@legion.org.

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<sup>3</sup> American Legion Resolution No. 164: [\*Oppose Lowering of Cost-of-Living Adjustments\*](#)

<sup>4</sup> American Legion Resolution No. 187: [\*Department of Veterans Affairs Disability Compensation\*](#)